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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 3 August 2009 from the Permanent Mission of China to the United Nations addressed to the Committee

The Permanent Mission of the People's Republic of China to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to enclose herewith the report on the steps that the People's Republic of China has taken in order to implement effectively the provisions of paragraph 8 of resolution 1718 (2006), as well as paragraphs 9 and 10 and the financial measures set out in paragraphs 18, 19 and 20 of resolution 1874 (2009) (see annex).

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Annex to the note verbale dated 3 August 2009 from the Permanent Mission of China to the United Nations addressed to the Committee

[Original: Chinese]

Report by China on implementation of Security Council resolution 1874 (2009)

1. China supports the adoption of resolution 1874 (2009) by the Security Council. That resolution not only clearly signalled the resolute opposition of the international community to nuclear testing and the possession of nuclear weapons by the Democratic People's Republic of Korea, but also left space for diplomatic efforts to achieve the resumption of negotiations as quickly as possible.

2. China is a permanent member of the Security Council. It always takes a responsible attitude towards the implementation of that body's resolutions, and has developed a set of effective operational mechanisms and practices in that regard. Following the adoption of resolution 1874 (2009), the Ministry of Foreign Affairs, with the authorization of the State Council of the People's Republic of China, issued a circular requiring its implementation by all State ministries and commissions as well as in all provinces, autonomous regions, municipalities and the Hong Kong and Macao Special Administrative Regions.

3. With regard to the implementation of the provisions of paragraph 8 of Security Council resolution 1718 (2006), China has taken the following measures in accordance with that resolution and the relevant decisions of the Security Council Committee established pursuant to resolution 1718 (2006):

(a) China has established a comprehensive system of laws and regulations governing the export of items related to nuclear, biological, chemical and guided-missile programmes as well as all military items. The regulatory scope of current Chinese export-control legislation is substantially the same as that of established international practice. China will continue to implement the resolution and the list of items embargoed for export to the Democratic People's Republic of Korea as determined by the Committee on this basis.

(b) China will ensure the freezing of funds, other financial assets and economic resources on its territories, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, the nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes of the Democratic People's Republic of Korea, or by persons or entities acting on their behalf or at their direction, and will ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities. The competent Chinese authorities will also include such persons on the list of persons to be denied entry into China in order to prevent their entry into or transit through its national territory.

4. China has always taken a prudent and responsible attitude towards the export of military products, and manages them strictly. China will implement the

provisions of the resolution and refrain from exporting to the Democratic People's Republic of Korea all arms and related materiel except for small arms and light weapons and their related materiel, as well as from financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms to the Democratic People's Republic of Korea, and will implement the provisions of the resolution on notification of the Security Council.

5. The competent Chinese authorities have reminded all financial institutions to intensify the screening of their business contacts with the Democratic People's Republic of Korea to prevent the provision of financial services or the transfer to, through, or from Chinese territory, or to or by its nationals or entities organized under its laws, or persons or financial institutions in its territory, of any financial or other assets or resources that could contribute to the nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes or activities of the Democratic People's Republic of Korea, including by freezing any financial or other assets or resources on its territory or that hereafter come within its territory, or that are subject to its jurisdiction or that hereafter become subject to its jurisdiction, that are associated with such programmes or activities and applying enhanced monitoring to prevent all such transactions in accordance with their national authorities and legislation.

6. China will handle questions of new commitments for grants, financial assistance, or concessional loans to the Democratic People's Republic of Korea as well as the provision of public financial support for trade with the Democratic People's Republic of Korea in accordance with the resolution, and prevent the use of such financial support for the nuclear-related or ballistic missile-related or other weapons of mass destruction-related programmes or activities of the Democratic People's Republic of Korea.

7. Based on the principle of "one country, two systems", the Central Government of China is responsible for managing the defence and foreign affairs of the Hong Kong and Macao Special Administrative Regions (SARs); the Hong Kong and Macao SARs enjoy executive, legislative and independent judicial power, including that of final adjudication. For this reason, the Hong Kong and Macao SARs shall, upon notification by the Central Government, formulate their own laws and regulations so as fully to implement resolution 1874 (2009) and the relevant decisions of the Committee.

8. China is of the view that all countries have the duty accurately and conscientiously to implement resolution 1874 (2009) and the relevant decisions of the Committee; at the same time, they should remain calm and avoid interpreting events, arbitrary interpretations or expanding the scope of sanctions, and should make even greater efforts to avoid resorting to military force or threats to use military force. The implementation of the resolution should not influence the national development of the Democratic People's Republic of Korea, its normal external contacts or the normal lives of its people, nor should it harm the normal relations of the Democratic People's Republic of Korea with other countries. At the same time, the reversibility provision of Security Council resolution 1874 (2009) should also be effectively implemented; if the Democratic People's Republic of Korea abides by the provisions of the resolution, the Security Council should review

the question of temporarily suspending or removing the sanctions directed at the Democratic People's Republic of Korea.

9. China holds that sanctions are not the goal of Security Council actions, but only a means. In implementing the resolution, States should focus on maintaining the peace and stability of the Korean peninsula and the north-east Asian region, promoting the rapid resolution of the North Korean nuclear problem, and returning to the path of negotiated settlement. China is willing to continue coordinating and cooperating with all parties concerned in this regard, and to playing a constructive role in the process.